

# Exhibit 47

*Redacted Public Version*



	Page 2	Page 4
1 PRESENT:		1 INDEX OF EXHIBITS
2 DLA PIPER LLP		2 EXHIBIT DESCRIPTION PAGE
3 TAMAR DUVDEVANI		3 Exhibit 1 Expert Witness Report of Kari 5
4 MARC MILLER		4 Kammel
5 1251 Avenue of the Americas		5 Exhibit 2 Rebuttal Expert Witness Report 5
6 New York, New York 10020		6 of Kari Kammel
7 tamar.duvdevani@dlapiper.com		7 Exhibit 3 Expert Report of Robert L 140
8 marc.miller@dlapiper.com		8 Vigil, Ph.D.
9 Appeared on behalf of Plaintiff.		9 Exhibit 4 Kari Kammel testimony before 148
10 DEBEVOISE & PLIMPTON LLP		10 the US Senate Judiciary
11 MEGAN K. BANNIGAN		11 Committee for the hearing on
12 KATHRYN SABA		12 cleaning up online marketplaces
13 919 Third Avenue		13 Exhibit 5 Nike Brand Protection 240
14 New York, New York 10022		14 PowerPoint
15 mkbannigan@debevoise.com		15 Exhibit 6 Expert rebuttal report of 265
16 ksaba@debevoise.com		16 Richard Lamagna
17 Appeared on behalf of Defendants.		17 Exhibit 7 StockX policy, STX0021481 307
18 ALSO PRESENT:		18
19 KIM VAN VOORHIS,		19
20 Nike, Inc.		20
21		21
22		22
23		23
24		24
25		25
	Page 3	Page 5
1 EXAMINATION		1 (Deposition Exhibit 1 was marked
2 Witness Page Line		2 for identification.)
3 KARI KAMMEL		3 (Deposition Exhibit 2 was marked
4 By Ms. Bannigan 7 6		4 for identification.)
5 By Ms. Duvdevani 300 15		5 THE VIDEOGRAPHER: Good morning. We are
6 By Ms. Bannigan 310 5		6 going on the record at 9:45 a.m. on July 18, 2023.
7		7 Please note that the microphones are
8 *****		8 sensitive and may pick up whispering and private
9		9 conversation. Please mute your phones at this time.
10		10 Audio and video recording will
11		11 continue to take place unless all parties agree to
12		12 go off the record.
13		13 This is Media Unit No. 1 of the
14		14 video-recorded deposition of Kari Kammel taken by
15		15 counsel for defendant in the matter of Nike, Inc.,
16		16 versus StockX LLC. This case is filed in the United
17		17 States District Court for the Southern District of
18		18 New York. The Case Number is 1:22-cv-00983-VEC.
19		19 The location of this deposition is DLA Piper LLP,
20		20 444 West Lake Street, Suite 900, Chicago,
21		21 Illinois 60606.
22		22 My name is Milo Savich representing
23		23 Veritext and I am the videographer. The court
24		24 reporter is JoAnn Losoya also from Veritext.
25		25 I am not authorized to administer an

2 (Pages 2 - 5)

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<p>1 that you discussed with Barbara, in which case you  2 can certainly answer those questions.  3 BY MS. BANNIGAN:  4 Q. Did you discuss any legal strategy with  5 Ms. Delli Carpini on this call?  6 A. No, I did not.  7 Q. Was the entire call purely to learn facts  8 to help you in writing your report?  9 A. Yes. That's correct.  10 Q. Okay. What did you discuss with  11 Ms. Delli Carpini?  12 A. What I discussed is outlined in my  13 report, which is questions about their brand  14 protection strategies.  15 Q. Did you take any notes when you were on  16 the call?  17 A. I did not.  18 Q. How did you recall all the information  19 that you state in the report that you learned from  20 the call without taking notes?  21 A. I wrote that directly into the report.  22 Q. As you were speaking to Ms. Delli  23 Carpini?  24 A. Yes, that's correct.  25 Q. Did you make edits to that section at any</p>	<p>Page 30</p> <p>1 A. Yes, that's correct.  2 Q. [REDACTED]  [REDACTED] is, that's correct.  6 Q. Do you know what Ms. Delli Carpini's  7 basis for asserting that [REDACTED]  [REDACTED]  10 A. Can you repeat the question?  11 Q. That was a bad question. Thank you.  12 Do you know what Ms. Delli Carpini's  13 basis for asserting these facts were?  14 A. I believe her basis was her experience in  15 her role at Nike.  16 Q. Did you ask her for any underlying facts?  17 A. I did not.  18 Q. Did Ms. Delli Carpini tell you that  19 [REDACTED]  [REDACTED]  22 A. So she told me what is in this sentence  23 which is that the [REDACTED]  [REDACTED]</p> <p>Page 32</p>
<p>1 point?  2 A. Perhaps grammatical ones but not  3 substantive ones.  4 Q. The cites -- the information that cite  5 the call with Ms. Delli Carpini was -- that portion  6 of your report was written in real time while you  7 were on the call with her?  8 A. Yes, that's correct.  9 Q. Did you confirm with anyone at Nike that  10 your recollections from this call were correct?  11 A. I did not specifically, no.  12 Q. Were there any facts that you learned on  13 that call that you did not add to your report?  14 A. No.  15 Q. So everything that Ms. Delli Carpini told  16 you, you input into this report?  17 A. Yes, that's correct.  18 Q. Let's look at Page 15 of your report.  19 In the last paragraph on this page,  20 you say [REDACTED]  [REDACTED] is  25 that correct?</p>	<p>Page 31</p> <p>1 [REDACTED]</p> <p>2 Q. You also mentioned that you reviewed  3 Ms. Delli Carpini's videotaped deposition, correct?  4 A. No, I reviewed her deposition transcript.  5 Q. Okay. And did you review the entire  6 transcript or just portions?  7 A. I did review the entire transcript.  8 Q. Did you ask her any questions about her  9 deposition testimony?  10 A. No, I did not.  11 Q. Did you confirm any of the things that  12 Ms. Delli Carpini told you with any other sources?  13 MS. DUVDEVANI: Objection.  14 BY THE WITNESS:  15 A. No.  16 MS. DUVDEVANI: Go ahead.  17 BY THE WITNESS:  18 A. No, I did not.  19 MS. BANNIGAN: What's the basis of your  20 objection?  21 MS. DUVDEVANI: Vague.  22 BY MS. BANNIGAN:  23 Q. Let's look at Exhibit 2 of your report,  24 your rebuttal report.  25 Here on the last page, flipping to</p> <p>Page 33</p>

<p style="text-align: right;">Page 214</p> <p>1 statements about, you know, how -- you mentioned --    2 I asked you is it right that there would be more    3 counterfeit sold through the platform without these    4 activities to catch counterfeits, and you mentioned    5 that you would have to see and look at a platform    6 that's specifically doing that and look how their    7 sales process and how their vetting process is in    8 order to make an opinion on that, correct?    9 A. Yes, that's what I said.    10 Q. Is that something you looked at in the    11 case of StockX?    12 MS. DUVDEVANI: Objection.    13 BY THE WITNESS:    14 A. So can you ask specifically what it is    15 that I looked at in the case of StockX?    16 Q. Did you look at whether StockX was, in    17 fact, stopping certain counterfeit sales before they    18 reached consumers?    19 A. So what I looked at was their claims of    20 authentication and authentication manuals, videos of    21 the authentication process, videos of the    22 authentication process that were on YouTube and what    23 that looks like and/or what an authenticator does.    24 I looked at several of the    25 authentication manuals when I was -- when I was</p>	<p style="text-align: right;">Page 216</p> <p>1 BY THE WITNESS:    2 A. So my entire life's work is around right    3 now anti-counterfeiting. So if there's any -- if    4 there's any opportunity for someone to remove a    5 potential counterfeit good from the stream of    6 commerce, whether that's someone enforcing on Canal    7 Street, or a brand owner submitting for a notice and    8 take down or a law enforcement agent following up,    9 yes, the goal of all of brand protection and    10 anti-counterfeiting is to remove counterfeit --    11 counterfeit listings or counterfeit products,    12 depending on whether it's brick and mortar or any    13 e-commerce.    14 Q. If a platform's anti-counterfeiting    15 measures still inadvertently allow some counterfeits    16 through, does that necessarily mean that the    17 platform is not trying to prevent the sale of    18 counterfeits?    19 MS. DUVDEVANI: Objection.    20 BY THE WITNESS:    21 A. Again, I can't speak to whether a    22 platform is trying or not.    23 Q. You can't speak to whether the platform    24 is not trying or not?    25 A. Correct.</p>
<p style="text-align: right;">Page 215</p> <p>1 looking through that, and again, none of those are    2 actually authentication, because the brand is the    3 only one that can authenticate a product that is    4 produced by them.    5 Q. Generally speaking, if counterfeitors    6 inundate platforms and some counterfeits still get    7 through the platform, does that necessarily mean    8 that the platform's anti-counterfeiting measures are    9 not beneficial in any way?    10 A. So I don't know if I can speak to that    11 general statement.    12 Again, it would depend on the    13 platform, it would depend on what they're selling,    14 it would depend on, you know, what efforts they've    15 decided to pursue in response to    16 anti-counterfeiting. A lot of -- a lot of factors    17 in there that would have to be considered.    18 Q. So you can't say that stopping some    19 counterfeits is beneficial, correct?    20 A. No. I don't believe that's what I said.    21 Q. Let me ask you then. Can you say -- is    22 stopping counterfeits, regardless of the amount you    23 stop, beneficial?    24 MS. DUVDEVANI: Objection.    25</p>	<p style="text-align: right;">Page 217</p> <p>1 Q. Would you agree that no    2 anti-counterfeiting program is perfect?    3 A. Specifically what do you mean by perfect?    4 Q. Would you agree that no    5 anti-counterfeiting program is able to eliminate the    6 threat of counterfeits?    7 A. Correct. So no -- I would agree with    8 that that no anti-counterfeiting program is able    9 to -- and if you are talking in the context of    10 platforms, is able to entirely -- entirely eliminate    11 counterfeiting, which is why e-commerce platforms    12 that allow third party sellers are so risky because    13 of that and also why it was surprising for me that    14 StockX had claimed to essentially make sure almost    15 100 percent of their products were authentic and    16 they essentially eliminated counterfeiting in their    17 marketplace.    18 Q. Do you know of any platforms that aren't    19 inundated with counterfeits?    20 MS. DUVDEVANI: Objection.    21 BY THE WITNESS:    22 A. Again, I haven't spoken to other    23 platforms specifically on levels of inundation by    24 similar sellers. We know that counterfeiting is    25 increasing exponentially, particularly since the</p>

<p style="text-align: right;">Page 238</p> <p>1 MS. DUVDEVANI: Are you almost at a good 2 breaking point?</p> <p>3 MS. BANNIGAN: I have a couple of more 4 questions on this one and then we can break.</p> <p>5 MS. DUVDEVANI: Okay.</p> <p>6 BY MS. BANNIGAN:</p> <p>7 Q. Okay. So, looking -- I'm going to look 8 at the language next to the hexagon and maybe 9 this -- maybe or -- I don't know actually. Let me 10 just ask my question.</p> <p>11 You say, "authenticating. However, 12 authenticating only one of the six does not mean 13 that the product is authentic. All must be 14 authenticated in order to truly verify whether a 15 product is genuine or authorized."</p> <p>16 And so by that, did you mean all that 17 the brand chooses to use must be authenticated? 18 Because I'll confess I read that to mean all six of 19 these need to be used when I first -- when I read 20 that.</p> <p>21 A. It's all that the brand chooses to 22 authenticate or chooses to put into their program. 23 So I had put on the next page, on page 23, this is 24 just a sample from the ISO report about control. 25 Control means access, but what -- what different</p>	<p style="text-align: right;">Page 240</p> <p>1 (Deposition Exhibit 5 was marked 2 for identification.)</p> <p>3 THE VIDEOGRAPHER: The time is 5:19 p.m. 4 This is the beginning of Media Unit 7 and we're back 5 on the video record.</p> <p>6 BY MS. BANNIGAN:</p> <p>7 Q. Looking back at Exhibit 1, your 8 affirmative report, page 35, Paragraph 4, you say 9 "what StockX ignores is the difference between 10 someone being able to tell a fake or counterfeit 11 using their human senses and looking at overt tells 12 on a product and being able to authenticate a 13 genuine product knowing a brand's technologies or 14 elements."</p> <p>15 Is it your opinion that StockX visual 16 authentication guides are not helpful in determining 17 whether Nike shoes are counterfeit? [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>22 Q. Okay. Can they be used to help identify 23 whether a product is counterfeit?</p> <p>24 A. So not with 100 percent certainty, but 25 again, we've talked a lot about obvious suspected</p>
<p style="text-align: right;">Page 239</p> <p>1 technologies are used. So here they give a couple 2 of examples of overt, covert, and forensic analysis.</p> <p>3 So if a brand was to choose those 4 three authentication elements or whatever the 5 technologies are that with those authentication 6 elements, even if someone could use a covert tool 7 such as, for example, US Customs and say we got a 8 flag on this covert tool, you would still need to 9 use all of the elements that the brand has 10 determined need to be used in order to authenticate 11 the good.</p> <p>12 Q. Okay. Did you take these graphics from 13 somewhere, this hexagon graphic? Where did it come 14 from?</p> <p>15 A. No, I created it.</p> <p>16 Q. You created it for this report?</p> <p>17 A. Correct.</p> <p>18 MS. BANNIGAN: Okay. We can take a break 19 now if that works for you?</p> <p>20 MS. DUVDEVANI: Yep.</p> <p>21 THE VIDEOGRAPHER: The time is 4:58 p.m. 22 This is the end of Media Unit 6 and we're going off 23 the video record.</p> <p>24 (Whereupon, a break in the 25 proceedings was taken.)</p>	<p style="text-align: right;">Page 241</p> <p>1 counterfeits when products are -- have -- are poorly 2 constructed or have other major overt things that 3 the average person can use their senses to say this 4 is a highly suspected counterfeit.</p> <p>5 Q. Okay. I handed you what has been marked 6 as Exhibit 5, which is a deck -- [REDACTED] [REDACTED] Have you 8 seen this before?</p> <p>9 A. I don't believe I have. You said CVP?</p> <p>10 Q. [REDACTED]</p> <p>11 A. Where do you see that, the [REDACTED] part?</p> <p>12 MS. BANNIGAN: Is that part of the 13 metadata? I can check.</p> <p>14 BY MS. BANNIGAN:</p> <p>15 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>20 Q. Correct.</p> <p>21 A. Ah, okay.</p> <p>22 Q. In forming your opinions, did you request 23 documentations from Nike as to how they authenticate 24 products?</p> <p>25 A. I had a general conversation with them</p>

<p>1 [REDACTED]</p> <p>3 MS. DUVDEVANI: Objection.</p> <p>4 BY THE WITNESS:</p> <p>5 A. No.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>10 MS. DUVDEVANI: Objection.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I did not review any information</p> <p>13 regarding that.</p> <p>14 [REDACTED]</p> <p>[REDACTED]</p> <p>18 A. I did not review any information about</p> <p>19 that.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Page 262</p> <p>3 [REDACTED]</p> <p>4 MS. DUVDEVANI: Objection.</p> <p>5 BY THE WITNESS:</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>12 Q. Have you ever -- have you reviewed the</p> <p>13 rebuttal -- withdraw that.</p> <p>14 I believe you testified earlier that</p> <p>15 you reviewed the rebuttal expert report of Rich</p> <p>16 Lamagna that was submitted by StockX in this case?</p> <p>17 A. Yes, that's correct.</p> <p>18 Q. When did you review it?</p> <p>19 A. Probably within a couple of days of it</p> <p>20 being submitted initially.</p> <p>21 Q. Have you been asked to respond to</p> <p>22 anything written in Mr. Lamagna report?</p> <p>23 A. You're referring to here today have I</p> <p>24 been asked to respond to anything?</p> <p>25 Q. At any point.</p>
<p>1 MS. DUVDEVANI: Objection.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Could you state that again?</p> <p>4 Q. Yeah.</p> <p>[REDACTED]</p> <p>7 MS. DUVDEVANI: Objection.</p> <p>8 BY THE WITNESS:</p> <p>9 A. So, if a brand determines that they don't</p> <p>10 want details of their authentication program to go</p> <p>11 outside of the brand or to only limit it to a</p> <p>12 certain number of people, then that's their business</p> <p>13 decision and also their decision around</p> <p>14 anti-counterfeiting.</p> <p>15 So, I mean, you could say that about</p> <p>16 anything that a company or a brand would hold that</p> <p>17 they feel is too much of a risk to share with others</p> <p>18 outside of their organization.</p> <p>19 [REDACTED]</p> <p>20 MS. DUVDEVANI: Objection, asked and</p> <p>21 answered.</p> <p>22 BY THE WITNESS:</p> <p>23 [REDACTED]</p>	<p>Page 263</p> <p>Page 265</p> <p>1 A. No. I mean, I read through it and read</p> <p>2 through some points that I disagree with, but --</p> <p>3 Q. Did you review any new materials in</p> <p>4 connection with reviewing Mr. Lamagna's report?</p> <p>5 A. I believe I did read some of the links</p> <p>6 that he had included in citations and footnotes.</p> <p>7 Q. Do you remember which links?</p> <p>8 A. I would to have his report in front of me</p> <p>9 to be able to look at it.</p> <p>10 Q. I can give you his report. We're going</p> <p>11 to mark as Deposition Exhibit 6 the expert rebuttal</p> <p>12 report of Richard Lamagna dated June 2nd, 2023.</p> <p>13 (Deposition Exhibit 6 was marked</p> <p>14 for identification.)</p> <p>15 THE WITNESS: Could you repeat the</p> <p>16 question?</p> <p>17 BY MS. BANNIGAN:</p> <p>18 Q. You mentioned that you looked at some of</p> <p>19 the links when you were reviewing his report and I</p> <p>20 asked you what links.</p> <p>21 A. Okay. So I specifically looked at</p> <p>22 footnote 33. The links that were located there.</p> <p>23 Q. Anything else? You can take a sip of</p> <p>24 water. I didn't mean to interrupt you. I'm sorry.</p> <p>25 A. So I also looked at 46, 47, 48.</p>

<p>1 MS. DUVDEVANI: I have no further 2 questions.</p> <p>3 MS. BANNIGAN: I have just a few.</p> <p>4 EXAMINATION</p> <p>5 BY MS. BANNIGAN:</p> <p>6 Q. Looking at this exhibit, what is it, 7, 7 looking at Exhibit 7, do you know who wrote this 8 document?</p> <p>9 A. I don't. I don't have the name exactly, 10 but I know it was someone within StockX that was 11 looking -- looking to deal with some of the 12 requirements and different things that are mentioned 13 here throughout the document.</p> <p>14 Q. And when you received this document in 15 part of preparation for your report, did you ask any 16 questions about it?</p> <p>17 A. Not specifically.</p> <p>18 Q. Do you know if it was used by StockX ever 19 in any capacity?</p> <p>20 A. I don't have that information one way or 21 the other.</p> <p>22 Q. At the top of the first page, it says, 23 "If you are making any further edits, please comment 24 or slack me as I'm working in the confluent doc that 25 we will present."</p>	Page 310	Page 312
<p>1 Do you have any understanding who 2 wrote that?</p> <p>3 A. I don't, minus the initials that are on 4 the page.</p> <p>5 Q. Do you know if this document was edited 6 after this current draft?</p> <p>7 A. I don't.</p> <p>8 MS. BANNIGAN: I have no further 9 questions.</p> <p>10 THE VIDEOGRAPHER: The time is 7:31 p.m. 11 This is the end of Media Unit 9, and it is also the 12 end of the deposition. We're going off the video 13 record. Thank you.</p> <p>14 (Off the record at 7:31 p.m.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 311	Page 313

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